

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LOCAL 731 I.B. OF T. EXCAVATORS ) Civil Action No. 1:09-cv-00799-MMB  
AND PAVERS PENSION TRUST FUND, )  
PRIVATE SCAVENGER AND GARAGE ) CLASS ACTION  
ATTENDANTS PENSION TRUST FUND )  
AND TEXTILE MAINTENANCE AND )  
LAUNDRY CRAFT PENSION FUND, )  
Individually and on Behalf of All Others )  
Similarly Situated, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DAVID C. SWANSON, et al., )  
 )  
Defendants. )  
 )  
 )

**LEAD PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT AND PLAN OF ALLOCATION OF SETTLEMENT PROCEEDS,  
AND AWARD OF ATTORNEYS' FEES AND EXPENSES**

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- and -

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### *Liaison Counsel*

Lead Plaintiff Zhengxu “John” He hereby moves for judgments and orders: (1) approving the Stipulation of Settlement dated as of February 14, 2012 (the “Stipulation”); dismissing this action with prejudice; and (2) approving the Plan of Allocation of settlement proceeds; and (3) awarding counsel for Lead Plaintiff attorneys’ fees and expenses.

The grounds for this motion are set forth in Lead Plaintiff’s Brief in Support of Motion for Final Approval of Class Action Settlement and Plan of Allocation of Settlement Proceeds, Lead Counsel’s Brief in Support of Motion for an Award of Attorneys’ Fees and Expenses, Declaration of David J. George in Support of Lead Plaintiff’s Motion for Final Approval of Class Action Settlement and Plan of Allocation of Settlement Proceeds, and Award of Attorneys’ Fees and Expenses, the Declarations of Lead Counsel and Liaison Counsel submitted in support thereof, the Stipulation and supporting exhibits (D.I. 94), the papers and filings on record in this matter and such additional evidence or argument as may be presented at the final approval hearing scheduled for June 19, 2012.

DATED: May 22, 2012

Respectfully submitted,

ROSENTHAL, MONHAIT & GODDESS, P.A.  
Joseph A. Rosenthal (Del. Bar No. 234)  
P. Bradford deLeeuw (Del. Bar No. 3569)

*/s/ P. Bradford deLeeuw*

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